

REMARKS

The Examiner's Action mailed on December 17, 2004, has been received and its contents carefully considered. Additionally attached to this Amendment is a Petition for Three-month Extension of Time, extending the period for response to June 17, 2005.

In this Amendment, Applicant has amended the title of the invention, canceled claims 1, 2 and 8, amended claims 4, 5 and 7, and added claims 9 through 13. Claims 3, 9 and 10 are the independent claims, and claims 3 through 5, 7, and 9 through 13 are pending in the application. For at least the following reasons, it is submitted that this application is in condition for allowance.

The Examiner's Action has again objected to the title of the invention as not being descriptive. In response thereto, the title has been further amended, in a manner that is believed to be clearly indicative of the invention to which the claims are directed. Should the Examiner continue to object to the title of the invention, the Examiner is respectfully requested to provide a proposed Amendment to the title that the Examiner would feel would be acceptable. Otherwise, it is requested that this objection be withdrawn.

The Examiner's Action has rejected claims 1, 2 and 4 through 8 as being anticipated by *Phillips et al.* (USP 6,332,062). Because claims 1, 2 and 8 have been canceled, Applicant will treat this rejection as pertaining to new independent claim 9, and the claims dependent therefrom. It is submitted that this claim is

prima facie patentably distinguishable over the cited reference for at least the following reasons.

Applicant's independent claim 9 is directed to a color image forming apparatus that includes a read-and-write device that reads stored information on a consumable cartridge, a second controller that outputs a signal that prevents a printing operation when the second controller determines, based on the information, that the consumable cartridge is misplaced, and an informing section that indicates an abnormality when the second controller determines that the consumable cartridge is misplaced. Thus, and in accordance with this claimed invention, when the stored information on the consumable cartridge is read, if the information can not be read properly or is different from a reference information pre-stored in the image forming apparatus, the second controller stops a printing operation. This prevents misplacement of the consumable cartridge into the image forming apparatus, and prevents a printing operation from being performed even if an unacceptable consumable cartridge is installed. For example, assume that a black toner cartridge is inadvertently attached into a mounting portion in which a yellow toner cartridge should be attached. Normally, this would result in the yellow toner remaining in the yellow toner chamber being mixed with the black toner, thus preventing its usage. The configuration recited in Applicant's independent claim 9 would eliminate such a mixture of developers of different colors. Moreover, when the second controller determines that the consumable cartridge is misplaced, an informing section indicates an abnormality to the user.

Phillips et al. disclose a wireless communication means between a printer 30 and a toner cartridge 32 that is mounted to the printer 30. Communications between an interrogator 52 and an RFID memory tag 36 are transmitted and received via a radio frequency field and antenna coil 48. A detector 64 monitors the toner cartridge 32 for occurrences of events in the toner cartridge 32. When the toner cartridge 32 is installed in the printer 30, the detector 64 detects the occurrence of a first event, and a message "Thank you for purchasing genuine Hewlett Packard products" is displayed to the user on the display 60 of the printer 30. When the detector 64 detects an occurrence of a second event, a message "toner level low/please contact Hewlett Packard at 555-123-4567 to order a new toner cartridge" is displayed.

However, and in contrast to the present invention, *Phillips et al.* do not address the problem of misplacing an unacceptable cartridge, nor does this reference suggest preventing a printing operation when an unacceptable cartridge is attached to the printer. Moreover, it is noted that the other references that have been cited by the Examiner, but not applied in this Action, likewise do not disclose or suggest the features recited within independent claim 9. Moreover, independent claim 10 is submitted to be *prima facie* patentably distinguishable over the cited references in that none of the references disclose or otherwise suggest the features recited within this claim. Thus, it is requested that the Examiner's rejections be withdrawn, and that these claims all be allowed.

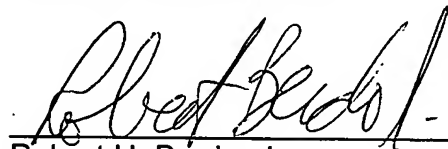
Should the Examiner feel that a conference would help to expedite the prosecution of this application, the Examiner is hereby invited to contact the undersigned counsel to arrange for such an interview.

Should the remittance be accidentally missing or insufficient, the Commissioner is hereby authorized to charge the fee to our Deposit Account No. 18-0002, and advise us accordingly.

Respectfully submitted,

June 3, 2005

Date



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